IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2963 OF 2006
IN
SUIT NO.1412 OF 1985.

Miss Pushpalata Yeshwatn Chavan. ... Plaintiff.
Versus.
Makhanlal Wattal. ... Defendant.

Shri V.D.Survey for the Plaintiff.

Ms.Manisha Paladia i/by M/s.Hiralal & Co. for the Defendant.

CORAM : ABHAY S.OKA, J.

DATED : 24th August, 2007.

P.C.:

1. Heard the learned Counsel appearing for the Plaintiff in support of the Notice of Motion. I have also heard the learned Counsel appearing for the Defendant.

2. It is pointed out that in the Notice of Motion No.1047 of 1985 taken out by the Plaintiff an order was passed directing the Defendant to pay Rs.800/- as monthly compensation. It was directed that in case of default in payment of two monthly instalments, the Court Receiver shall forthwith take possession of the suit flat. The case made out in the Notice of Motion is that the Defendant has not paid paid the monthly compensation for the last more than four years and hence Receiver must take possession of the suit flat.

3. The learned Counsel for the Defendant on instructions of the Defendant states that the Defendant is ready and willing to hand over possession of the suit flat to the Court Receiver. In view of this statement, Notice of Motion can be disposed of by passing the following order:

(i) The Defendant will hand over possession of the suit flat to the Court Receiver within a period of three weeks from today. The Court Receiver will immediately fix a meeting for taking over possession of the flat.

(ii) Notice of Motion is disposed of accordingly.

(iii) The parties and the Court Receiver to act on an authenticated copy of this order.

Judge.